



SEP 04 2001

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In re Application of :
Larry Y. Yen et al :
Application No.: 09/889,901 : DECISION ON
PCT No.: PCT/US00/02193 :
Int. Filing Date: 27 January 2000 : PETITION UNDER
Priority Date: 29 January 1999 :
Attorney's Docket No.: MCA-400 PC/US : 37 CFR 1.137(b)
For: METHOD OF FORMING A PERFLUORINATED, :
THERMOPLASTIC HOLLOW FIBER MODULE :

This is in response to "Petition to Revive Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed on 24 July 2001.

BACKGROUND

On 27 January 2000, this international application was filed, claiming an earliest priority date of 29 January 1999.

No Demand was filed for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 29 September 2000. This international application became abandoned with respect to the United States at midnight on 29 September 2000 for failure pay the basic national fee.

On 24 July 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(iii) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.


Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

Applicant has been charged \$130.00 (a Declaration submitted after 20 months from the priority date) to Deposit Account No: 501-908 as authorized in the transmittal letter.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of 24 July 2001.


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